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Effective Date: August 29, 2002

Expiration Date: May 21, 2013

COMPLIANCE IS MANDATORY[Printable Format \(PDF\)](#)

Request Notification of Change

 (NASA Only)**Subject: Monitoring or Recording of Telephone or Other Conversations
(Revalidated 5/21/08)****Responsible Office: Office of the General Counsel****1. Policy**

It is NASA policy that no individual to whom this NPD applies, use, request, or permit others to use on his or her behalf, recording devices in connection with telephone or other conversations, or in connection with meetings, conferences, or other proceedings unless--

- a. Such verbatim record or records will substantially contribute to the effective conduct of official business; and
- b. With regard to telephone conversations, all parties to the conversation have been informed at its outset that it will be monitored, transcribed, intercepted, or recorded, and they have consented to such actions prior to the conversation either orally or in writing, and the recording device used is equipped with a distinct warning tone (beep sound), repeated at regular intervals; or
- c. With regard to other conversations, all parties to the conversation have been informed at its outset that it will be monitored, transcribed, intercepted, or recorded, and they have consented to such actions prior to the conversation either orally or in writing; or
- d. With regard to meetings, conferences, or other proceedings, the attendees have been placed on notice at the outset of the proceeding that it is being recorded, either by oral notice, posted notice, or by use of a conspicuously placed recording device.

2. Applicability

a. This NPD applies to the following:

- (1) NASA employees or officials; or
- (2) Other individuals using NASA-provided telephone systems or facilities, or participating in NASA-sponsored meetings, conferences, or other proceedings.

b. This NPD does not apply to the following:

- (1) NASA mission-critical spacecraft data, when the documentation prepared for a specific mission, program, or project calls for the monitoring, transcription, interception, or recording of the mission activities, and such a plan has final Agency approval;
- (2) Investigations undertaken by the NASA Inspector General, in accordance with its authorities;
- (3) Formal NASA proceedings, such as formal NASA safety investigations or collateral investigations, or similar proceedings where the presiding official has determined that a verbatim transcript is authorized or required by applicable directives;
- (4) Official proceedings, such as those of a Board of Contract Appeals, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, the Merit Systems Protection Board, depositions subject to the Federal Rules of Civil Procedure, and similar proceedings which entail the use of audio/video-recording devices to produce a verbatim transcript;

(5) Situations in which listening in or recording is done without the knowledge of any of the participants to the conversation, meeting, conference, or other proceeding pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 18 U.S.C. 2510 et seq., or the Foreign Intelligence Surveillance Act of 1978, as amended, 50 U.S.C. 1801 et seq.; or

(6) Situations for which the Center Director or designee, the Assistant Administrator for Infrastructure and Administration or designee, or for the NASA Management Office-JPL (NMO-JPL), the Associate Administrator for Science Mission Directorate or designee, makes a written determination that public safety purposes require use of a recording device in connection with a telephone conversation without prior oral or written consent of all the parties to the telephone conversation. This determination shall be approved by the Center Chief Counsel, or for Headquarters, the Associate General Counsel for General Law, and shall contain the following:

(a) The conditions of use of the recording device, which must provide either that the use is to be preceded by oral notification recorded at the beginning, and as part of the call, by the recording party; or that the recording device used is equipped with a distinct warning tone (beep sound), repeated at regular intervals;

(b) The identification of the segment of the public needing protection and examples of the possible harm from which the public requires protection;

(c) The specific system and location where recording is to be performed, the lines or trunks involved, and their directory numbers;

(d) The number of telephones and recording devices involved and the operating times for the recording; and

(e) An expiration date for the monitoring of no more than 2 years, after which a new determination must be made, if appropriate.

3. Authority

42 U.S.C. 2473(c)(1), Section 203(c)(1) of the National Aeronautics and Space Act of 1958, as amended.

4. Reference

a. 47 CFR 64.501, Federal Communications Commission, "Recording of telephone conversations with telephone companies."

b. 5 U.S.C. Appendix, the Inspector General Act of 1978, as amended.

c. 18 U.S.C. §§ 1367, 2701 et seq., 3121 et seq., Electronic Communications Privacy Act of 1986, as amended.

d. 50 U.S.C. §§ 1801 et seq., 1821 et seq., 1841 et seq., 1861 et seq. the Foreign Intelligence Surveillance Act of 1978, as amended.

5. Responsibility

a. Each NASA employee or official has responsibility for compliance with this NPD.

b. Each NASA organizational element or component has responsibility for compliance with this NPD in planning for and conducting meetings, conferences, or other proceedings.

c. Each Center Director, the Executive Director for Headquarters Operations, or for the NMO-JPL, the Associate Administrator for Science Mission Directorate, is responsible for the following:

(1) Assuring appropriate dissemination of this NPD to facilities managers; and

(2) Making the written determination authorized by paragraph 2.b.(6) of this NPD, if deemed appropriate, or designating a subordinate official not more than one level below the Center Director, the Executive Director for Headquarters Operations, or the Associate Administrator for Science Mission Directorate, to do the same.

d. Each Center Chief Counsel, or the Associate General Counsel for General Law, is responsible for reviewing and approving the written determination authorized by paragraph 2.b.(6) of this NPD.

6. Delegation of Authority

None.

7. Measurements

NASA legal counsel shall maintain separate files with copies of all the written determinations authorized by paragraph 2.b.(6) of this NPD.

8. Cancellation

NPD 2530.1E, "Monitoring Or Recording Of Telephone Or Other Conversations," dated August 29, 2002.

Revalidated 5/21/08

August 29, 2002, Original Signed by

/s/Daniel S. Goldin
Administrator

Attachment A: (Text)

None.

(URL for Graphic)

None.

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